

**REMARKS**

Applicant respectfully requests further examination and reconsideration in view of the comments set forth fully below. Claims 1-20 and 29-51 were previously pending in this application. Within the Office Action, Claims 1-20 and 29-51 have been rejected. Accordingly, Claims 1-20 and 29-51 are now pending in this application.

**Rejections Under 35 U.S.C. § 112**

Within the Office Action, Claims 29-34 have been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Specifically, it has been stated that Claim 29 specifies that the content control circuit is configured to increase the subscriber version identifier, and this configuration was not disclosed. Applicant respectfully disagrees. Within the Present Specification, it is disclosed that the content control circuit transmits the first content to the subscriber content identification circuit if the version identifier is greater than the subscriber version identifier. [Present Specification, page 13, lines 21-23] Additionally, it is disclosed that the subscriber number is increased to correspond to the current version number. [Present Specification, page 15, lines 3-9] Thus, the Specification would enable one skilled in the art to make and use the claimed invention since increasing the subscriber number using a content control circuit does not require any undue experimentation. The concept of using circuitry to increase a number in general is basic, and the full text of the Present Specification provides a specific task using that basic foundation.

**Rejections Under 35 U.S.C. § 103**

Within the Office Action, Claims 1-14, 29, 30, 34-39, 41, 44-47 and 49 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,009,274 to Fletcher et al. ("Fletcher") in view of U.S. Patent No. 5,835,911 to Nakagawa et al. ("Nakagawa"). The Applicants respectfully disagree.

Fletcher teaches a method and apparatus for automatically updating software components in one or more agents (end systems) in a network. A server generates a multicast request to agents within its network domain, identifying the newest, available versions of software components that may be installed on the agents. Agents compare installed versions with the newest versions and respond to the server request by indicating components that need to be updated. Components include network and non-network software as well as operating system

(OS) software. The server then transmits the requested components to the requesting agents in a self extracting compressed file. The file is installed and the components updated without rebooting system software. [Fletcher, Abstract] Fletcher also teaches updating when there is a discrepancy which includes where the version of one component currently running on the agent is older than or outdated by the latest or newest version available from the server. [Fletcher, column 10, lines 55-66] As is recognized within the Office Action, Fletcher does not teach that a newer version has a higher number nor does Fletcher explicitly teach increasing the subscriber content version number once a download occurs. More specifically, Fletcher does not teach a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number.

Nakagawa teaches distributing and maintaining software via a network connecting many vendors and users of client/server software. A client program in a user computer detects when software subject to maintenance is activated and transmits an inquiry over the network to the software vendor's computer for information on the current version of the software. The server program compares data in the inquiry with data relating to the latest version of the software and returns update instruction information and updated software if appropriate. The client program automatically updates the software to the latest version according to the update instruction information when it is received. The client program can also send inquiries at predetermined times, or in response to a user command. The inquiry can include a request for purchase information in which case the server checks qualifications of the user, processes the inquiry according to vendor management data and returns the requested software, if appropriate. Other inquiries can also be made in response to user commands or automatically, e.g., to obtain information on the most recent version and transmission of data from client to server in response to an abnormal termination of client software. [Nakagawa, Abstract] Nakagawa also teaches each of the object software is assigned a version number indicating update information, and that the version number is incremented each time the software is updated. [Nakagawa, col. 37, lines 13-17] However, Nakagawa does not teach a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number.

In contrast to the teachings of Fletcher, Nakagawa and their combination, the presently claimed invention teaches systems and methods that distribute and synchronize version based content from a syndicator to a subscriber. [Present Specification, page 1, lines 7-8]. The syndicator can comprise any appropriately configured computer system or wireless internet access device. The syndicator includes a CPU 2, a main memory 6, a display adapter 4, a version based content storage device 10, a data transfer circuit 8, and a data synchronization circuit 12, all coupled together by a conventional bidirectional system bus 18. [Present Specification, page 8, lines 13-19] The syndicator is configured to distribute the version based content and the subscriber is configured to store the version based content as well as the subscriber content. [Present Specification, lines 12-14]. The subscriber is configured to compare the version based content's version number with the subscriber content version number. If the version based content's version number is higher than the subscriber's content version number, then the subscriber is configured to store the content from the syndicator and increase the subscriber version number. [Present Specification, page 2, lines 18-21 and page 6, lines 1-9].

Fletcher, Nakagawa and their combination do not teach a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number. Similarly, Fletcher Nakagawa and their combination do not teach downloading the content to be distributed from the syndicator to the subscriber if the subscriber version number is found to be less than the syndicator version number during the synchronization verification. Accordingly, Fletcher, Nakagawa and their combination do not teach the presently claimed invention.

#### Claim 1

The independent Claim 1 is directed to a version based content distribution system comprising content comprising a version number, a syndicator, wherein the syndicator is configured to transmit the version number, subscriber content comprising a subscriber content version number, and a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number, wherein the syndicator is remote from the subscriber. As discussed above, Fletcher, Nakagawa and their combination do not teach a subscriber configured to store the subscriber content, to compare the version number with the subscriber

content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number. For at least these reasons, the independent Claim 1 is allowable over Fletcher, Nakagawa and their combination.

Claims 2-14 are all dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Fletcher, Nakagawa and their combination. Accordingly, Claims 2-14 are all also allowable as being dependent upon an allowable base claim.

#### Claim 29

The independent Claim 29 is directed to a content subscription system. The content subscription system of Claim 29 comprises a server, a subscriber, a server content identification circuit configured to transmit a first signal representative of a version identifier, wherein the version identifier corresponds to a first content stored within the server, a subscriber content identification circuit configured to receive the version identifier and the first content stored within the server, wherein the subscriber content identification circuit is further configured to generate a second signal representative of a subscriber version identifier, wherein the subscriber version identifier corresponds to a second content stored within the subscriber, and a content control circuit configured to transmit the first content to the subscriber content identification circuit and increase the subscriber version identifier in response to the second signal if the first signal is larger than the second signal, wherein the server, the server content identification circuit and the content control circuit are remote from the subscriber and the subscriber content identification circuit. As described above, Fletcher, Nakagawa and their combination do not teach a subscriber configured to store the subscriber content, to compare the version number with the subscriber content version number, and to receive the content from the syndicator and increase the subscriber content version number if the version number is larger than the subscriber content version number. For at least these reasons, the independent Claim 29 is allowable over Fletcher, Nakagawa and their combination.

Claims 30 and 34 are both dependent from the independent Claim 29. As discussed above, the independent Claim 29 is allowable over Fletcher, Nakagawa and their combination. Accordingly, Claims 30 and 34 are both also allowable as being dependent upon an allowable base claim.

Claim 35

The independent Claim 35 is directed to a method of distributing content. The method of Claim 35 comprises defining a version number for content stored on a computer readable storage medium within a syndicator, increasing the version number when the content stored within the syndicator is updated, defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, wherein the subscriber is remote from the syndicator, transmitting the version number from the syndicator to the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the version number, downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification, and increasing the subscriber version number to correspond to the version number following downloading of the content stored within the syndicator. As described above, Fletcher, Nakagawa and their combination do not teach downloading the content stored within the syndicator to the subscriber if the subscriber version number is found to be less than the version number during the synchronization verification. For at least these reasons, the independent Claim 35 is allowable over Fletcher, Nakagawa, and their combination.

Claims 36-39 and 41 are all dependent from the independent Claim 35. As discussed above, the independent Claim 35 is allowable over Fletcher, Nakagawa and their combination. Accordingly, Claims 36-39 and 41 are all also allowable as being dependent upon an allowable base claim.

Claim 44

The independent Claim 44 is directed to a method of distributing content to a subscriber comprising defining a subscriber version number for content stored on a computer readable storage medium within a subscriber, receiving a syndicator version number for content to be distributed from a syndicator to the subscriber, wherein the syndicator is remote from the subscriber, performing a synchronization verification wherein the subscriber version number is compared to the syndicator version number, downloading the content to be distributed from the syndicator to the subscriber if the subscriber version number is found to be less than the syndicator version number during the synchronization verification and increasing the subscriber version number to correspond to the syndicator version number following downloading of the content. As described above, Fletcher, Nakagawa and their combination do not teach downloading the content to be distributed from the syndicator to the subscriber if the subscriber

version number is found to be less than the syndicator version number during the synchronization verification. For at least these reasons, the independent Claim 44 is allowable over Fletcher, Nakagawa and their combination.

Claims 45-47 and 49 are all dependent from the independent Claim 44. As discussed above, the independent Claim 44 is allowable over Fletcher, Nakagawa and their combination. Accordingly, Claims 45-47 and 49 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 15-17 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Nakagawa and in further view of U.S. Patent No. 6,990,498 to Fenton et al. The Applicants respectfully disagree.

Claims 15-17 are all dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Fletcher and Nakagawa. Accordingly, Claims 15-17 are all also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 18, 19, 32, 33, 42, 43, 50 and 51 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Nakagawa and in further view of U.S. Patent No. 6,493,748 to Nakayama et al. The Applicants respectfully disagree.

Claims 18 and 19 are dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Fletcher and Nakagawa. Accordingly, Claims 18 and 19 are both also allowable as being dependent upon an allowable base claim.

Claims 32 and 33 are dependent from the independent Claim 29. As discussed above, the independent Claim 29 is allowable over Fletcher and Nakagawa. Accordingly, Claims 32 and 33 are both also allowable as being dependent upon an allowable base claim.

Claims 42 and 43 are dependent from the independent Claim 35. As discussed above, the independent Claim 35 is allowable over Fletcher and Nakagawa. Accordingly, Claims 42 and 43 are both also allowable as being dependent upon an allowable base claim.

Claims 50 and 51 are dependent from the independent Claim 44. As discussed above, the independent Claim 44 is allowable over Fletcher and Nakagawa. Accordingly, Claims 50 and 51 are both also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claim 20 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Nakagawa and in further view of U.S. Patent No. 6,119,165 to Li et al. The Applicants respectfully disagree.

Claim 20 is dependent from the independent Claim 1. As discussed above, the independent Claim 1 is allowable over Fletcher and Nakagawa. Accordingly, Claim 20 is also allowable as being dependent upon an allowable base claim.

Within the Office Action, Claims 31, 40 and 48 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fletcher in view of Nakagawa and in further view of U.S. Patent Application No. 2001/0042073 to Saether et al. The Applicants respectfully disagree.

Claims 31, 40 and 48 are dependent on the independent Claims 29, 35 and 44, respectively. As discussed above, the independent Claims 29, 35 and 44 are all allowable over the teachings of Fletcher and Nakagawa. Accordingly, Claims 31, 40 and 48 are all also allowable as being dependent upon an allowable base claim.

For the reasons given above, the Applicants respectfully submit that the claims are in a condition for allowance, and allowance at an early date would be appreciated. Should the Examiner have any questions or comments, the Examiner is encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: March 25, 2011

By: /Jonathan O. Owens/

Jonathan O. Owens  
Reg. No. 37,902  
Attorneys for Applicants